

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

| | | |
|----------------------------------|---|-------------------|
| EXXON MOBIL CORPORATION, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | No. 4:16-CV-469-K |
| | § | |
| MAURA TRACY HEALEY, Attorney | § | |
| General of Massachusetts, in her | § | |
| official capacity, | § | |
| | § | |
| Defendant. | § | |
| | § | |

**EXXON MOBIL CORPORATION'S MOTION
FOR LEAVE TO FILE A FIRST AMENDED COMPLAINT**

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiff Exxon Mobil Corporation ("ExxonMobil") respectfully submits this Motion for Leave to File a First Amended Complaint. In support thereof, Plaintiff shows the Court as follows:

1. Plaintiff moves the Court for leave to file a first amended complaint.
2. As set out more fully in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Leave to File a First Amended Complaint, Plaintiff should be granted leave to file the amended complaint. Under Rule 15(a), there is a strong presumption in favor of permitting amendment, and there is no reason to depart from that presumption here.
3. No party will be prejudiced by the proposed amendment.

PRAYER

For these reasons, and those set out in the Memorandum of Law in Support of Plaintiff's Motion for Leave to File a First Amended Complaint, Plaintiff requests that the Court grant it leave to file its First Amended Complaint.

Dated: October 17, 2016

EXXON MOBIL CORPORATION

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Counsel for Exxon Mobil Corporation

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2016, a copy of the foregoing instrument was served on the following party via the Court's CM/ECF system in accordance with the Federal Rules of Civil Procedure:

Maura Healey
Massachusetts Attorney General's Office
One Ashburton Place
Boston, MA 02108-1518
Phone: (617) 727-2200

/s/ Ralph H. Duggins

Ralph H. Duggins

CERTIFICATE OF CONFERENCE

I certify that at 8:25 a.m. CDT Pat Conlon, Justin Anderson, and I called Richard Johnston, one of the lawyers representing Defendant Healey. We were advised he was away at a meeting. We then tried to reach Melissa Hoffer and were told that she was unavailable and in a morning meeting. We next tried Christophe Courchesne, Chief of the Environmental Protection Division, and reached him at 8:30 am CDT. Mr. Anderson advised Mr. Courchesne that Plaintiff would this morning be filing a motion for leave to amend its Complaint to add two new claims and to add the Attorney General for the State of New York as a co-defendant. He also identified the claims to be added. Mr. Courchesne initially advised us that Defendant Healey opposed the motion unless he got back to us by 9 am. Mr. Courchesne later emailed to state that that Defendant Healey does not at this time consent to the relief sought by Plaintiff's motion. Plaintiff will supplement this Certificate of Conference if it turns out Defendant consents to the relief sought by the motion.

/s/ Ralph H. Duggins

Ralph H. Duggins